

REMARKS

The Office Action mailed May 12, 2003 has been received and reviewed. Claims 1, 2 and 4-21 are pending. Claim 1 is rejected in view of a cited reference. Claims 2 and 4 are objected to as being dependent on a rejected base claim. Claim 20 is indicated as being allowable if rewritten to overcome the § 112 rejection raised by the Examiner. Claims 5-19 and 21 are allowed.

Claim 1 is amended to clarify that which the applicant asserts is his invention. Claim 20 is amended in accordance with the Examiner's rejection under § 112. Claim 21 is amended to correct typographical errors. The Applicant submits that the claims are in condition for allowance for the reasons set forth hereinafter.

Rejection Of Claims Under 35 U.S.C. § 112, Second Paragraph

Claim 20 is rejected under § 112, second paragraph, as being indefinite for omission of steps. Claim 20 is amended to clarify that the bracing member is attached to the bracing member support. The rejection is overcome.

Rejection Of Claim 1 Under 35 U.S.C. § 102(b)

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Patent No. 3,805,781 to Hoey. The Examiner states that Hoey discloses an extensible supporting bandage, thereby being length adjustable. The Examiner also states that the bandage

of Hoey is "capable" of providing active resistance to axial rotation and translation in the ankle joint.

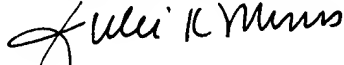
Hoey discloses a supporting bandage comprising an extensible, resilient polymeric foam material which is overwrapped with adhesive tape. (See, Hoey, column 1, lines 38-39 and lines 47-48, and column 2, line 65.) Hoey teaches the purposeful use of an elastic and resilient material in the bandage and specifically identifies polymeric foam, which is multidirectionally elastic. As such, Hoey cannot provide active resistance to axial rotation and translation in a joint as claimed. In contrast, amended Claim 1 requires the circumferentially spiraling member to be longitudinally inelastic to provide resistance to axial rotation and translation. That is, the circumferentially spiraling member is longitudinally-inelastic, but the length of the element itself is adjustable. Hoey fails to teach that which is claimed by amended Claim 1. Therefore, Claim 1 is not anticipated by Hoey. Accordingly, claims 2 and 4 are not anticipated by Hoey either.

CONCLUSION

The Applicant submits that the claims present patentable subject matter. Reconsideration and allowance are requested. Should the Examiner have further questions, particularly regarding the structure and operation of the invention as

compared to the device of the Hoey reference, the Applicant requests that the Examiner contact the undersigned by telephone to discuss the matter further.

Respectfully submitted,



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